

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

v.

21-CR-32W

ROBERT MORGAN,

Defendant.

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**SUPERSEDING INFORMATION**  
(Conspiracy to Commit Wire Fraud)

**COUNT 1**

**The United States Attorney Charges That:**

1. In or around September 2016, in the Western District of New York, the defendant, ROBERT MORGAN, did knowingly, willfully and unlawfully combine, conspire, and agree with others to commit an offense against the United States, that is, to knowingly and willfully devise a scheme to defraud and to obtain money and property by means of false and fraudulent pretenses, representations, and promises, and for the purpose of executing the scheme, to use and cause to be used, wire communications in interstate commerce, in violation of Title 18, United States Code, Section 1343.

2. It was an object of the conspiracy to induce ESL Federal Credit Union ("ESL") to issue a construction loan in an amount larger than the amount ESL would have issued had it received accurate financial information.

3. In furtherance of the conspiracy, and to effect the objects of the conspiracy, the following overt acts, among others, were committed in the Western District of New York by the defendant, ROBERT MORGAN, and by other members of the conspiracy:

a. In or around September 2016, the defendant, ROBERT MORGAN, and others, formed a limited liability corporation called Ellison Heights Apartments, LLC. This entity was formed to purchase a residential apartment complex in Penfield, New York, known as Ellison Heights Apartments. The majority owner of Ellison Heights Apartments, LLC was a limited liability company called Morgan Ellison Heights LLC. The defendant, ROBERT MORGAN, was the manager of Morgan Ellison Heights LLC.

b. In or around September 2016, the defendant, ROBERT MORGAN, and others, for the purposes of obtaining a construction loan from ESL in connection with the Ellison Heights Apartments construction project, knowingly submitted documents to ESL which contained inaccurate information regarding the construction contract price for the project. Such documents were submitted to ESL by means of wire communication in interstate commerce for the purpose of executing the scheme to defraud and obtaining money and property by means of false and fraudulent pretenses, representations, and promises. In reliance on the inaccurate information and documents submitted by the defendant, ROBERT MORGAN, and others, ESL issued a construction loan for the Ellison Heights Apartments project in an amount larger than what would have been supported by the accurate

information.

**All in violation of Title 18, United States Code, Section 371.**

DATED: Buffalo, New York, April 12, 2022

TRINI E. ROSS  
United States Attorney

BY:



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